

Pollution Liability Insurance Agency
POLICY MANUAL

GENERAL TOPIC: **Acceptance of Gifts and Business Meals** POLICY NUMBER: 2.00

SUBJECT: **Ethics**

DATE ISSUED:

CONTACT: **Director**

DATE REVISED: 8/14/02

REFERENCE: **Order 93.02; RCW 42.52**

APPROVED: _____

Roger Dovel, Director

I. PURPOSE

This policy defines the limitations on the acceptance of gifts by PLIA employees.

II. SCOPE

This policy applies to all employees.

III. DEFINITIONS ESTABLISHED

Gift - A thing of value for which no consideration is given. In other words, a gift is something of value received by an employee that the employee did not appropriately pay for or earn.

Participation - Personal and substantial involvement in regulation or contracting decisions; includes not only making or approving decisions, but also providing recommendations, advice, investigation, or similar activities.

Section 4 Employee/Relationship - Where the donor is an individual or an entity that the agency regulates or that provides or is seeking to provide goods or services to the agency, and the employee's official duties involve the regulation or contracting decisions, the employee is a Section 4 employee.

IV. POLICY

A. Employees May Accept Certain Gifts

No PLIA employee, regardless of position, may accept, directly or indirectly, a gift:

1. with a value in excess of \$50; or
2. that could reasonably be expected to influence or create the appearance of influencing the employee's official judgment or action; or
3. to reward such employee for official action or inaction.

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B. Certain Items are Excluded From the Definition of Gift

The items listed below are statutory exclusions to the definition of gifts, and as such may be received by a PLIA employee (except those Section 4 employees as described in paragraph 3 & 4 of this policy).

1. Items received from friends or family, which could not reasonably be interpreted to be an attempt to influence the performance or non-performance of the employee's job or to gain or maintain influence at PLIA;
2. Customary items related to the employee's outside business(es) and unrelated to the employee's PLIA duties;
3. Items exchanged among co-workers;
4. Payments for reasonable travel expenses that are incurred in connection with a speech, presentation, appearance, or trade mission in an official capacity (reasonable expenses are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event).
5. Items that a state employee is authorized by law to accept;
6. Payment of enrollment and/or course fees and reasonable expenses incurred to attend a seminar or other educational program sponsored by a non-profit professional, educational, or trade association, or charitable institution;
7. Items returned to the donor or donated to a charitable organization, by the recipient within thirty days;
8. Campaign contributions reported under Chapter 42.17 RCW; and,
9. Discounts made available to an individual as a member of an employee group, occupation, or similar broad-based group.

C. Certain Items are Exempt from the \$50 Limitation

The following items are presumed not to influence the employee's performance of official duties and may be accepted by a PLIA employee (except Section 4 employees) without regard to the \$50 limit. This presumption can be rebutted by the circumstances surrounding the giving and receipt of the gift.

1. Unsolicited flowers, plants and floral arrangements;
2. Unsolicited advertising and/or promotional materials of nominal value such as pens and note pads;
3. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item;
4. Unsolicited items received for the purpose of evaluation or review, if the employee has no beneficial interest in the eventual use or acquisition of the item by PLIA;
5. Informational material, publications, or subscriptions related to the employee's performance of official duties;
6. Food and beverages consumed at a hosted reception, when attendance is related to the employee's official duties;

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7. Admission to and the cost of food and beverages consumed at events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and,
8. Unsolicited gifts from dignitaries from another state or foreign country that are intended to be personal in nature.

D. Section 4 Employees May Accept Certain Gifts

Regardless of any other provision in the state ethics law, Section 4 employees or employees in a Section 4 relationship with the donor, may accept only the following items:

1. Unsolicited advertising or promotional item of nominal value.
2. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, etc.
3. Unsolicited items received for the purpose of evaluation or review, if the employee has no beneficial interest in the eventual use or acquisition of the item by PLIA.
4. Informational material, publications, or subscriptions related to the employee's performance of official duties.
5. Food and/or beverages consumed at a hosted reception (such as a large meeting, a seminar, training session, etc.), where attendance is related to the employee's performance of official duties.
6. Admission to and the cost of food and beverages consumed at events sponsored by or in conjunction with a civic, charitable, governmental, or community organization.
7. Beverages of common courtesy, such as coffee, tea or water; provided that, those beverages are customarily offered free of charge to all employees, visitors and customers of the offering entity.
8. Those items statutorily excluded from the definition of gift, above, except as noted in paragraph 6 of this policy.

This list is exclusive. Items **not** on this list may not be accepted.

E. Section 4 Employees May Not Accept Certain Gifts

Section 4 employees, or employees in a Section 4 relationship, may not accept any of the following items from entities who are doing business with PLIA:

1. Payments by a governmental or non-governmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance or trade mission made in an official capacity.
2. Payments for seminars and educational programs sponsored by a bona fide nonprofit professional, educational, or trade association, or charitable institution.
3. Flowers, plants and floral arrangements.

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F. Employees May Avoid Ethical Violations By Returning Gift

If gifts that violate any of the provisions of this policy are unwittingly received, the employee may avoid an ethics violation by returning such items to their donor, or donating the gift to a charitable organization, within 30 days of receipt.

G. Employees May Generally Accept Business Meals

Employees (except Section 4 employees) may accept food and/or beverages (not to exceed \$50) on infrequent occasions in the ordinary course of meals, when such are offered at a meeting or event where attendance by the employee is related to the performance of official duties. Courtesy beverages such as coffee, tea, or other nominal refreshments served during meetings, seminars, etc. also may be accepted.

NOTES ON GIFTS

The Executive Ethics Board has adopted a functional approach for evaluating the propriety of gifts for Section 4 employees/donors (See EEB Advisory Opinion 96-05). For example, if an officer or employee's duties include regulating certain members of an industry, the Section 4 gift restrictions apply to gifts from any entity potentially subject to being regulated, not just those currently regulated. Likewise if the officer or employee's duties include decisions about contracting or purchasing, the Section 4 gift restrictions would apply to gifts from any potential future contractor or vendor.

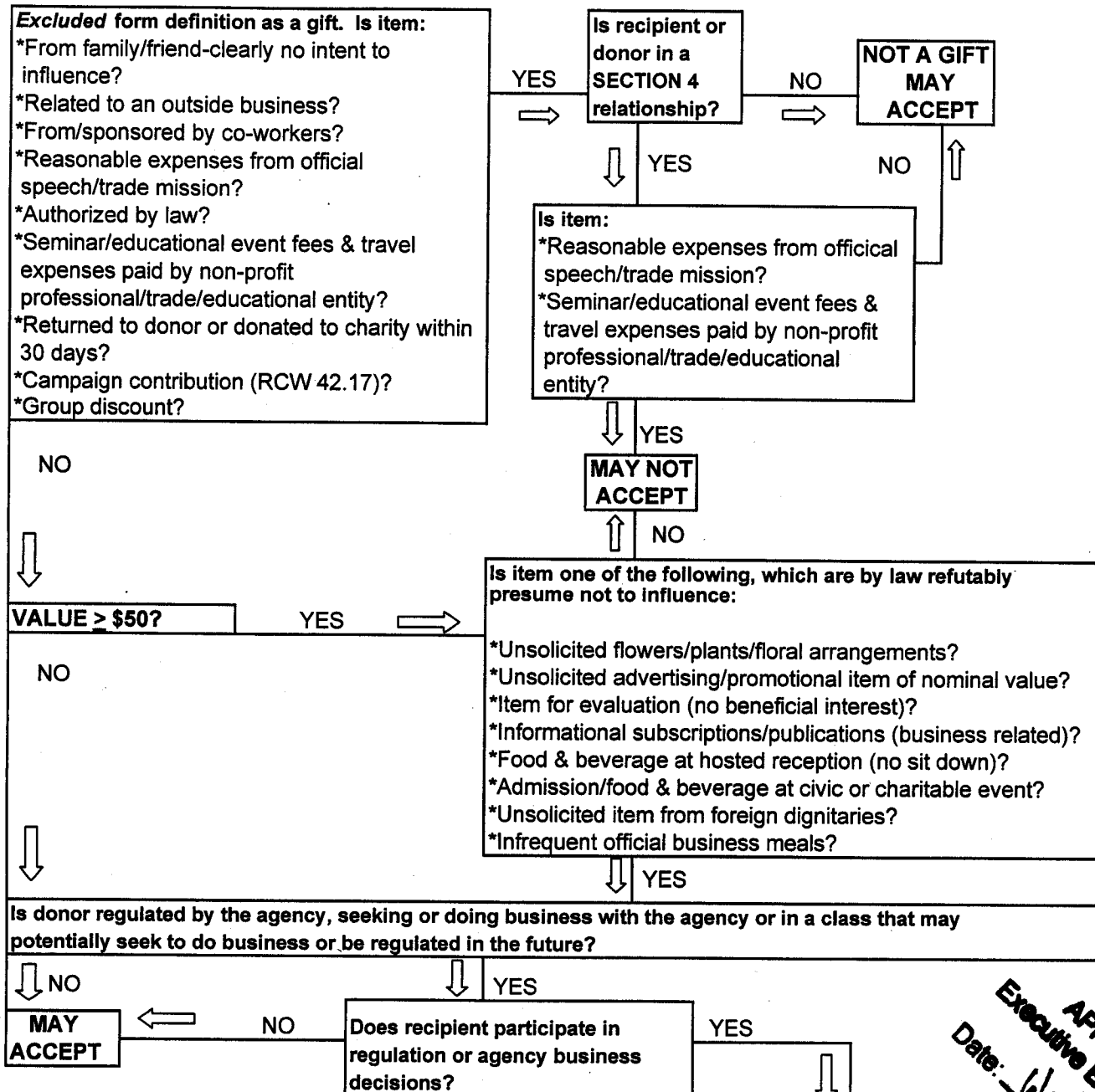
No gift, even if specifically listed as OK, may be accepted if it will influence, or create the appearance of influencing, the performance or non-performance of official duties.

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Policy: Acceptance of Gifts and Business Meals**

No gift that will influence or create the appearance of influencing job performance may be accepted



Section 4 employees may accept only the items listed below and those excluded from the definition of gift as described above:

- * Advertising/promotional items of nominal value (pens, pads, ect.)
- * Unsolicited wall plaque or award of appreciation
- * Unsolicited items for evaluation (no beneficial interest)
- * Informational subscriptions/publications related to official duties
- * Food & beverage at hosted reception (no sit down)
- * Admission/food & beverage at civic or charitable event

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